IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Crl.Rev.Pet.No. 3568 of 2007()

CRA.172/2006 of ADDL.SESSIONS COURT (ADHOC)III, MANJERI
MC.22/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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REVN. PETITIONER: APPELLANTS/COUNTER PETITIONERS

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1. ABDUL MAJEED @ MAJEED, S/O.ABDULLAH,
   VALIYANGAL HOUSE, THANALUR.

2. HAMZA, S/O.KUNJI MOHAMMED,
   CHENGANAKKATTIL HOUSE,
   KARATHOOR, THIRUNAVAYA.

BY ADV. SRI.P.SHAMSUDIN

RESPONDENTS: RESPONDENT/PETITIONER

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KALPAKANCHERI THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL. R.P. NO. 3568 OF 2007

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Dated this the 4th day of October, 2007.

ORDER

Undertaking to forfeit to the Government a sum of Rs.15,000/- in the event of 4th accused in Crime No. 90/2005 of Kalpakancheri Police Station failing to appear before the court, the revision petitioners stood as his sureties. The 4th accused thereafter committed default in appearance and consequently proceedings were initiated by the Judicial First Class Magistrate, Tirur under Section 446 Cr.P.C. The revision petitioners could not produce the accused even after granting time. Holding that they did not show any cause in response to the show cause notice, the learned Magistrate imposed the entire bond amount of Rs.15,000/- as penalty on each of the revision petitioners. It was also ordered that if the penalty became irrecoverable the revision petitioner should undergo imprisonment in civil prison for six months. Aggrieved by the order dated 13.02.2006 passed by the Magistrate, the revision petitioner preferred an appeal before the Sessions Court, Manjeri. As per judgment dated 07.07.2007, the Additional Sessions Court (Fast Track-III), Manjeri partly allowed the appeal reducing the penalty to 1/3rd of the bond amount. Hence this

revision.

2. The learned counsel for the revision petitioners submitted that in spite of best efforts, the revision petitioners could not produce the accused who is reported to be in Bombay and prayed for leniency. Having regard to the fact that the petitioners are collie workers in impecunious circumstances, I am inclined to show some leniency. Accordingly, the penalty is reduced to 50% of the bond amount. Each of the revision petitioner shall deposit a sum of Rs.7,500/- by way of penalty before the Trial Court within 45 days from today failing which they shall be liable to be proceeded against for default. If the penalty is ultimately found to be irrecoverable each of the defaulting revision petitioner shall undergo imprisonment in a civil prison for six months.

The revision petition is disposed of accordingly.

sd/-**V. RAMKUMAR, JUDGE.**

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